

for the Western District of Pennsylvania

United States of America,

FILED

15-CV-168

JAN - 6 2016

Judge Mark Hornak

Frederick Banks

#120759

Alleghany County Jail

950 Second Avenue

Pittsburgh, PA 15219, Defendant.

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

RE: USA v. Frederick Banks, 15-CR-168

To the Clerk,

Please forward me the following and file this letter in the above captioned case.

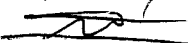
- 1.) 2 ^(two) 2241 petition for a writ of Habeas Corpus Forms
- 2.) 3 ~~three~~ Motion to Proceed In Forma Pauperis Forms
- 3.) A 1983 Complaint Form, A 1331 Complaint Form, two Civil Cover Sheets
- 4.) 3 Criminal and 3 Civil Subpoenas

NOTICE of Defenses to Indictment and proposed Superseding Indictment

1. The Indictment list "T.P." (Timothy Pivnichny) as an individual. Pivnichny is an FBI agent not an Individual. At the time of the alleged Craigslist posting Defendant was on the Telephone and engaged in playing phone tag ^{while driving} with a person who is not connected to this case. See Sprmit Exhibit entered at hearing on 12/30/15. None of the IP addresses from any entity including Facebook and Yahoo match the poster's IP of the Craigslist post. The calls T.P. received came from others, 2 people who will be subpoenaed to the trial and were made intrastate and therefore the telephone as used in this case was not a "facility of interstate commerce" and therefore the Court lacked subject matter jurisdiction under the Commerce Clause. Nor were the calls "Threatening" or "harassing". Since Defendant did not make the calls nor is there proof he posted the ad there is "no course of conduct" that is two or more instances of a violation. And in this case there can never be any "Course of Conduct" because it is highly likely if not certain that each of the two phone calls and single post were made by three different people. The Indictment at hand rests on an unprovable theory. Moreover, because the US Attys office abused the grand jury process by submitting Grand Jury subpoenas without the authorization or approval of the Grand Jury that process violates the 5th Amendment not to the latter and the alleged manner of the petitioner was electronic at best, the execution was not declared, certified or verified under perjury or as being true and correct and since Defendant is the president of an entity he founded in 2007 called "United Tribes of America" any execution was pursuant to the UTA not the USA. 3. As to the alleged wire fraud there is no evidence nor could there ever be evidence that Defendant executed the transactions nor is there evidence that a convicted felon, namely Defendant's ex employer did not authorize the transactions because not only did he owe Defendant thousands of dollars

for underpayments he reported to US probation on numerous occasions he was legally insane and had been previously committed as per Superior Court of Pennsylvania case law and had been allegedly involved in previous scams relating to former business partners and associates facts that had never been disclosed to Defendant. As a result the Indictment should be dismissed with prejudice. The with prejudice dismissal is warranted since Defendant had already spent 5 months in prison on charges that can never be proven and this came after doing ten years on previous charges in which the alleged victim in this case "T.P." set him up and fixed that case. Scams like Good Ole Be Ju Vre. It should be noted as to the Bernard Madoff allegation and the "next friend" allegation the offenses are not predicate offenses under 1028A and the Madoff pleading was apparently sent from Ohio to New York, thus Venue is not proper in WPA.

Respectfully submitted,

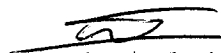

 Frederic Blank
 120759
 Allegheny County Jail
 950 Second Avenue
 Pittsburgh, PA 15219
 Defendant.

1. Additionally, Defendant is informed and believes that the caller made no threats or harassed the victim as alleged and because he most likely "became aggressive" and harassed the caller with questions (SA Werner stated TP only answered one call) he did not suffer "substantial emotional distress."

Certificate of Service

I hereby certify that on this 2nd day of January, 2015 I served a true and correct copy of the foregoing by electronic/mail delivery upon the following:

Office of the U.S. Attorney
 4000 US Courthouse
 700 Grant Street
 Pittsburgh, PA 15214


 Frederic Blank